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A

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15 November 1991

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Forty-sixth session
THIRD COMMITTEE
Agenda item 96

NARCOTIC DRUGS

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Bolivia, Burkina Faso, Chile, Colombia, Côte d'Ivoire, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, France, Ghana, Grenada, Guatemala, Guinea, India, Jamaica, Malaysia, Mexico, Morocco, Nicaragua, Nigeria, Pakistan, Panama, Peru, Philippines, Senegal, Suriname, Ukraine and Venezuela: draft resolution

International action to combat drug abuse and illicit trafficking

Deeply concerned that the illicit demand for, production of and traffic in narcotic and psychotropic substances continue to pose a serious threat to mankind, to have a negative impact on the socio-economic and political systems and to threaten the stability, national security and sovereignty of an increasing number of States,

Reaffirming the principle of shared responsibility of the international community in combating drug abuse and illicit trafficking,

Reaffirming also that the Declaration 1/ and the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, 2/ as adopted by the International Conference on Drug Abuse and Illicit Trafficking, the Political Declaration and the Global Programme of Action adopted by the

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1/ See Report of the International Conference on Drug Abuse and Illicit Trafficking, Vienna, 17-26 June 1987 (United Nations publication, Sales No. E.87.I.18), chap. I, sect. B.

2/ Ibid., sect. A.

General Assembly at its seventeenth special session, 3/ and the Declaration adopted by the World Ministerial Summit to Reduce the Demand for Drugs and to Combat the Cocaine Threat, held in London from 9 to 11 April 1990, 4/ which, together with the international drug control treaties, provide a comprehensive framework for international cooperation in drug control,

Recognizing the efforts taken to date by the United Nations International Drug Control Programme to implement the mandates and courses of action contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action,

Emphasizing the role of the Commission on Narcotic Drugs as the principal United Nations policy-making body for drug control issues within the United Nations system,

Considering that the Commission on Narcotic Drugs, in its resolution 2 (XXXIV), 5/ selected seven priority themes around which the United Nations International Drug Control Programme is requested, in consultation with Governments, to develop proposals for a five-year plan to implement the Global Programme of Action, in the context of the United Nations Decade against Drug Abuse,

Noting with satisfaction that the regional meetings of heads of national drug law enforcement agencies and the Subcommission on Illicit Traffic and Related Matters in the Near and Middle East of the Commission on Narcotic Drugs are sources of very useful recommendations for law enforcement action at the regional level oriented towards solving specific problems of the various regions,

Reiterating that the transit routes used by drug traffickers change constantly and that an ever-growing number of countries in all regions of the world, and even entire regions, are particularly vulnerable to illicit transit traffic on account, inter alia, of their geographical location,

Alarmed by the growing connection between drug trafficking and terrorism,

Recognizing the efforts of countries that produce narcotic drugs for scientific, medicinal and therapeutic uses to prevent the channelling of such substances to illicit markets and to maintain production at a level consistent with licit demand,

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3/ Resolution S-17/2, annex.

4/ A/45/262, annex.

5/ Official Records of the Economic and Social Council, 1991, Supplement No. 4 (E/1991/24), chap. XIV, sect. A.

Reiterating its condemnation of criminal activities that involve children in the use, production and illicit distribution of narcotic drugs and psychotropic substances, and appealing to the United Nations International Drug Control Programme and other competent international agencies to give high priority to measures designed to address these problems,

Noting the increasing number of States acceding to or ratifying the international drug control treaties, including those that have become States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, 6/

Recalling United Nations Development Programme decision 1991/13 7/ concerning the allocation of resources for drug abuse control and crop substitution,

Reaffirming that all efforts to combat problems related to the consumption, production, manufacture and traffic in narcotic drugs and psychotropic substances and the flow of money related to these activities should be accompanied by effective measures to promote the economic and social development of affected States,

Recalling its resolution 44/142 of 15 December 1989, in which it requested the Secretary-General to undertake a study on the economic and social consequences of illicit traffic of narcotic drugs and psychotropic substances, and section II of its resolution 45/149 of 18 December 1990, in which it invited the Commission on Narcotic Drugs to study the recommendations and conclusions contained in the report of the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs, 8/

Regretting that, owing to its heavy workload, the Commission on Narcotic Drugs at its thirty-fourth session could not undertake a thorough and extensive examination of the recommendations and conclusions contained in the report of the Intergovernmental Expert Group,

Bearing in mind that the Commission on Narcotic Drugs is mandated to suggest follow-up action to the recommendations of the Intergovernmental Expert Group,

Noting with interest the reports of the Secretary-General, 9/

6/ E/CONF.82/15 and Corr.2.

7/ Official Records of the Economic and Social Council, 1991, Supplement No. 13 (E/1991/34), annex I.

8/ A/C.3/45/8, annex.

9/ A/46/338, A/46/480 and A/46/511.

I

International action to combat drug abuse and illicit trafficking

1. Takes note of the reports of the Secretary-General; 9/

2. Strongly condemns the crime of drug trafficking in all its forms and urges continued commitment and effective international action to combat it, in keeping with the principle of shared responsibility and with full respect for national sovereignty and the cultural identity of States;

3. Urges Governments and organizations to adhere to the principles set forth in the declarations adopted by the International Conference on Drug Abuse and Illicit Trafficking and the Political Declaration adopted by the General Assembly at its seventeenth special session, and to implement the recommendations contained in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and in the Global Programme of Action;

4. Requests the United Nations International Drug Control Programme to implement the mandates and recommendations established in the Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control and the Global Programme of Action, particularly those pertaining to demand reduction, treatment and social rehabilitation of drug addicts, eradication and substitution of illicit crops, integrated rural development, educational programmes, expanded opportunities for trade and investment, including international cooperation to facilitate the marketing of substitute crops, elimination of illicit trafficking, interdictiion, supervision and control of precursors and essential chemicals, money-laundering and problems of illicit producers;

5. Welcomes the initiatives of the United Nations International Drug Control Programme aimed at promoting and supporting subregional programmes, as envisaged in the Global Programme of Action, and urges concerned Governments to cooperate with the United Nations International Drug Control Programme and each other in implementing subregional strategies;

6. Welcomes also the new arrangements for inter-agency cooperation, including the designation of focal points throughout the United Nations system, which should enhance the implementation of the United Nations System-Wide Action Plan on Drug Abuse Control; 10/

7. Notes with appreciation that the Governing Council of the United Nations Development Programme has already allocated some resources under Special Programme Resources for the promotion of drug abuse control during the fifth programming cycle;

10/ See E/1990/39 and Corr.1 and 2 and Add.1.

8. Supports the master-plan approach to drug control programmes at the national and regional levels that is being promoted by the United Nations International Drug Control Programme;

9. Notes with satisfaction increased international action for demand reduction, including the development by the United Nations International Drug Control Programme of the International Drug Abuse Assessment System, and requests that appropriate attention be given to treatment and rehabilitation in all these activities;

10. Endorses the proposal of the Commission on Narcotic Drugs that the Executive Director of the United Nations International Drug Control Programme develop proposals for a five-year plan to implement the Global Programme of Action, in the context of the Decade against Drug Abuse, giving priority to the themes selected by the Commission at its thirty-fourth session;

11. Welcomes the appointment of a Coordinator for the United Nations Decade against Drug Abuse, 1991-2000, invites the Coordinator to promote and monitor international efforts for the Decade, and requests the Commission on Narcotic Drugs, through the Economic and Social Council, to keep the General Assembly informed of developments in this area;

12. Expresses its satisfaction with initiatives to improve the functioning and impact of the network of regional meetings of heads of national drug law enforcement agencies, which, together with the Subcommission on Illicit Traffic and Related Matters in the Near and Middle East, constitute effective mechanisms against the illicit traffic in narcotic drugs and psychotropic substances;

13. Considers that an analysis should be made of the methods and routes used for transit traffic of illicit narcotic drugs and psychotropic substances, with a view to establishing a system that would enhance the interdiction capability of States along such routes;

14. Emphasizes the connection between the illicit production and supply of, demand for, sale of and traffic and transit in narcotic drugs and psychotropic substances and the economic, social and cultural conditions of the countries affected and that solutions to these problems must take into account the differences and diversity of the problem in each country;

15. Calls upon the international community to provide increased international economic and technical cooperation to Governments, at their request, in support of programmes for the substitution of illicit crops by means of integrated rural development and alternative development programmes that respect fully the jurisdiction and sovereignty of countries and the cultural traditions of peoples;

16. Encourages all countries to take action to prevent the illicit arms trade by which weapons are provided to drug traffickers;

17. Welcomes the trend towards ratification and implementation of the Single Convention on Narcotic Drugs of 1961, 11/ that Convention as amended by the 1972 Protocol, 12/ the Convention on Psychotropic Substances of 1971 13/ and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;

18. Requests the United Nations International Drug Control Programme, in its activities to promote the implementation of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and in its work generally, to deal specifically with and recommend measures that would facilitate regional and international cooperation in all aspects of money-laundering;

19. Stresses the need for effective action to prevent the diversion for illicit purposes of precursors and other chemicals, materials and equipment frequently used in the illicit manufacture of narcotic drugs and psychotropic substances;

20. Commends the International Narcotics Control Board for its valuable work in monitoring production and distribution of narcotic drugs and psychotropic substances so as to limit their use to medical and scientific purposes, and for implementing its additional responsibilities under the 1988 United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances;

21. Urges Member States to increase substantially their voluntary contributions to the Fund of the United Nations International Drug Control Programme to enable it to expand further its programmes;

22. Requests that adequate financial and human resources be allocated to the United Nations International Drug Control Programme to enable it to discharge its mandate;

23. Requests the Secretary-General to report on the implementation topics raised in part I of the present resolution at its forty-seventh session under the item entitled "Narcotic drugs".

11/ United Nations, Treaty Series, vol. 520, No. 7515.

12/ Ibid., vol. 976, No. 14152.

13/ Ibid., vol. 1019, No. 14956.

II

Economic and social consequences of illicit trafficking in narcotic drugs and psychotropic substances

1. Takes note of the report of the Secretary-General on action taken to date to implement section II of General Assembly resolution 45/149; 14/

2. Reiterates its invitation to the Commission on Narcotic Drugs to examine, at its thirty-fifth session in 1992, the recommendations of the Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs, together with the comments of the Executive Director of the United Nations International Drug Control Programme and, in this context, to evaluate the proposed framework for conducting an extensive study with a view to recommending viable follow-up activity;

3. Requests the Commission on Narcotic Drugs to report on this issue through the Economic and Social Council to the General Assembly at its forty-seventh session under the item entitled "Narcotic drugs".

14/ A/46/338.

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Agenda item 96

NARCOTIC DRUGS

Australia, Bahamas, Belgium, Bolivia, Canada, Chile, Colombia, Denmark, Ecuador, Finland, France, Germany, Hungary, India, Ireland, Italy, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Peru, Philippines, Portugal, Senegal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela: draft resolution

United Nations International Drug Control Programme

The General Assembly,

Recalling its resolution 45/179 of 21 December 1990, by which it requested the Secretary-General to create a single drug control programme to be called the United Nations International Drug Control Programme, based at Vienna, and to integrate fully therein the structures and the functions of the Division of Narcotic Drugs of the Secretariat, the secretariat of the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control with the objective of enhancing the effectiveness and efficiency of the United Nations structure for drug control in keeping with the functions and mandates of the United Nations in this field,

Recalling also the Political Declaration and the Global Programme of Action adopted on 23 February 1990 at its seventeenth special session, 1/

Emphasizing that the problem of drug abuse and illicit trafficking has to be considered within the broader economic and social context,

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1/ Resolution S-17/2, annex.

Reaffirming the importance of the role of the United Nations International Drug Control Programme as the main focus for concerted international action for drug abuse control,

Underlining the role of the Commission on Narcotic Drugs as the principal United Nations policy-making body on drug control issues, and endorsing paragraph 1 (c) of Economic and Social Council resolution 1991/38 of 21 June 1991,

Reaffirming the importance of the full technical independence of the International Narcotics Control Board in accordance with article 9, paragraph 2, of the Single Convention on Narcotic Drugs of 1961, 2/ and endorsing Economic and Social Council resolution 1991/48 of 21 June 1991 approving administrative arrangements between the Board and the United Nations International Drug Control Programme to ensure this independence,

Recognizing that international cooperation against illicit trafficking should be pursued in full conformity with the principles enshrined in the Charter of the United Nations and the principles of international law,

Having considered the report of the Secretary-General on the measures taken to implement resolution 45/179 on the enhancement of the United Nations structure for drug abuse control, 3/

Noting that the Secretary-General's programme budget proposals for 1992-1993 4/ should be considered taking fully into account the measures proposed pursuant to resolution 45/179,

Commending the United Nations International Drug Control Programme for the activities undertaken so far in the performance of the functions entrusted to it,

1. Takes note with appreciation of the report of the Secretary-General on the measures taken to implement resolution 45/179 on the enhancement of the United Nations structure for drug abuse control; 3/

2. Welcomes the integration of the structures and functions of the Division of Narcotic Drugs, the secretariat of the International Narcotics Control Board and the United Nations Fund for Drug Abuse Control into a single International Drug Control Programme based at Vienna;

2/ United Nations Treaty Series, vol. 520, No. 7515.

3/ A/46/480.

4/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 6 (A/46/6/Rev.1).

3. Emphasizes the need for the Executive Director of the United Nations International Drug Control Programme to have the necessary degree of managerial flexibility to discharge effectively and expeditiously the functions of the Programme under the terms of United Nations treaties and resolutions relating to international drug control, while recognizing that the Programme is now a part of the United Nations Secretariat;

4. Requests that the restructuring process envisaged in resolution 45/179 and in the present resolution be completed as soon as possible so that the United Nations International Drug Control Programme can fulfil its mandates with enhanced effectiveness and efficiency;

5. Endorses Economic and Social Council resolution 1991/38, which calls on the Commission on Narcotic Drugs to give policy guidance to the United Nations International Drug Control Programme and to monitor its activities;

6. Urges the United Nations International Drug Control Programme to give special emphasis to the implementation of those issues from the Global Programme of Action identified as priorities by the Commission on Narcotic Drugs in its resolution 2 adopted at its thirty-fourth session; 5/

7. Requests the Executive Director of the United Nations International Drug Control Programme, in accordance with the authority delegated to him by the Secretary-General, to coordinate and provide effective leadership for all United Nations drug control activities, in order to ensure coherence of actions within the Programme as well as coordination, complementarity and non-duplication of such activities across the United Nations system, and in this context actively to seek cooperation and support for a global approach from other international organizations, non-governmental organizations, bilateral programmes and national institutions;

8. Strongly urges all Governments to provide the fullest possible financial and political support to the United Nations International Drug Control Programme, in particular by increasing the extrabudgetary contributions to the Programme, with a view to expanding and strengthening its operational activities and technical cooperation, in particular with developing countries;

9. Endorses the proposal of the Secretary-General to place the financial resources of the existing United Nations Fund for Drug Abuse Control under the direct responsibility of the Executive Director of the United Nations International Drug Control Programme as a fund for financing operational activities, mainly in developing countries;

5/ Official Records of the Economic and Social Council, 1991, Supplement No. 4 (E/1991/4).

10. Emphasizes that, in accordance with established United Nations priorities as contained in the medium-term plan, adequate resources be allocated so as to enable the United Nations International Drug Control Programme to fulfil its activities and carry out the functions assigned to it by resolution 45/179 and by other relevant General Assembly and Economic and Social Council resolutions;

11. Requests the Secretary-General to report to the General Assembly at its forty-seventh session on measures taken to implement the present resolution.

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HUMAN RIGHTS QUESTIONS

HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Algeria, Angola, Bolivia, Burkina Faso, Colombia, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Guinea, Guinea-Bissau, India, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mexico, Namibia, Nigeria, Peru, Sierra Leone, Uganda, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe:
draft resolution

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling that in the Charter of the United Nations the peoples of the United Nations declared their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling also the purposes and principles of the Charter to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Emphasizing the significance and validity of the Universal Declaration of Human Rights 1/ and of the International Covenants on Human Rights 2/ in promoting respect for and observance of human rights and fundamental freedoms,

Recalling further its resolution 32/130 of 16 December 1977, in which it decided that the approach to future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Noting with concern that many of the principles enunciated therein have not yet been taken under consideration by the international community with all the necessary dynamism and objectivity,

Emphasizing the special importance of the purposes and principles proclaimed in the Declaration on the Right to Development, proclaimed in its resolution 41/128 of 4 December 1986,

Recalling its resolutions concerning the right to development, and also its resolution 45/155 of 18 December 1990 in which it decided that one of the objectives of the World Conference on Human Rights of 1993 would be to examine the relation between development and the enjoyment of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy those rights,

Taking into account the final documents of the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 3/

Reiterating that the right to development is an inalienable human right and that equality of development opportunities is a prerogative both of nations and of individuals within nations,

Expressing its particular concern about the progressive worsening of living conditions in the developing world and the negative impact thereof on the full enjoyment of human rights, and especially about the very serious economic situation of the African continent and the disastrous effects of the heavy burden of the external debt for the peoples of Africa, Asia and Latin America,

Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ A/44/551-S/20870, annex.

protection of civil and political rights and of economic, social and cultural rights,

Deeply convinced that today more than ever, economic and social development and human rights are complementary elements leading to the same goal, that is, the maintenance of peace and justice among nations as the foundation for the ideals of freedom and well-being to which mankind aspires,

Reiterating that cooperation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, is essential for the promotion of peace and development,

Convinced that the primary aim of such international cooperation must be the achievement by all human beings of a life of freedom and dignity and freedom from want,

Considering that the efforts of the developing countries for their own development should be supported by an increased flow of resources and by the adoption of appropriate and substantive measures for creating an external environment conducive to such development,

1. Reiterates its request that the Commission on Human Rights should continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and ideas set forth in its resolution 32/130;

2. Affirms that a primary aim of international cooperation in the field of human rights is a life of freedom, dignity and peace for all peoples and for every human being, that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from promoting and protecting the others;

3. Reaffirms that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights;

4. Reiterates once again that the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of peoples and individuals affected by situations such as those mentioned in paragraph 1 (e) of General Assembly resolution 32/130, paying due attention also to other situations of violations of human rights;

5. Considers, further to its resolution 45/155, that the issues previously mentioned in paragraph 4 above should be approached with particular attention in the preparatory work for the World Conference on Human Rights so as to evaluate during said Conference the obstacles to achieving progress in the field of human rights;

6. Reaffirms that the right to development is an inalienable human right;

7. Reaffirms also that international peace and security are essential elements for achieving full realization of the right to development;

8. Recognizes that all human rights and fundamental freedoms are indivisible and interdependent;

9. Considers it necessary for all Member States to promote international cooperation on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, with a view to solving international economic, social and humanitarian problems;

10. Reaffirms once again that, in order to facilitate the full enjoyment of all human rights without diminishing personal dignity, it is necessary to promote the rights to education, work, health and proper nourishment through the adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as the adoption of measures at the international level, entailing a restructuring of existing international economic relations;

11. Decides that the approach to future work within the United Nations system on human rights matters should also take into account the content of the Declaration on the Right to Development and the need for the implementation thereof;

12. Decides to consider this question at its forty-seventh session.

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Agenda item 98 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Algeria, Angola, Bolivia, Burkina Faso, Central African Republic, Colombia, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Guinea, Guinea-Bissau, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mexico, Namibia, Nigeria, Peru, Sierra Leone, Sudan, Uganda, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe: revised draft resolution

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling that in the Charter of the United Nations the peoples of the United Nations declared their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling also the purposes and principles of the Charter to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Emphasizing the significance and validity of the Universal Declaration of Human Rights 1/ and of the International Covenants on Human Rights 2/ in promoting respect for and observance of human rights and fundamental freedoms,

Recalling further its resolution 32/130 of 16 December 1977, in which it decided that the approach to future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Noting with concern that many of the principles enunciated therein have not yet been taken under consideration by the international community with all the necessary dynamism and objectivity,

Emphasizing the special importance of the purposes and principles proclaimed in the Declaration on the Right to Development, proclaimed in its resolution 41/128 of 4 December 1986,

Recalling its resolutions concerning the right to development, and also its resolution 45/155 of 18 December 1990, in which it decided that one of the objectives of the World Conference on Human Rights of 1993 would be to examine the relation between development and the enjoyment of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy those rights,

Taking into account the final documents of the Ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 3/

Reiterating that the right to development is an inalienable human right and that equality of development opportunities is a prerogative both of nations and of individuals within nations,

Expressing its particular concern about the progressive worsening of living conditions in the developing world and the negative impact thereof on the full enjoyment of human rights, and especially about the very serious economic situation of the African continent and the disastrous effects of the heavy burden of the external debt for the peoples of Africa, Asia and Latin America,

Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ A/44/551-S/20870, annex.

protection of civil and political rights and of economic, social and cultural rights,

Deeply convinced that today more than ever, economic and social development and human rights are complementary elements leading to the same goal, that is, the maintenance of peace and justice among nations as the foundation for the ideals of freedom and well-being to which mankind aspires,

Reiterating that cooperation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, is essential for the promotion of peace and development,

Convinced that the primary aim of such international cooperation must be the achievement by all human beings of a life of freedom and dignity and freedom from want,

Considering that the efforts of the developing countries for their own development should be supported by an increased flow of resources and by the adoption of appropriate and substantive measures for creating an external environment conducive to such development,

1. Reiterates its request that the Commission on Human Rights should continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and ideas set forth in General Assembly resolution 32/130;

2. Affirms that a primary aim of international cooperation in the field of human rights is a life of freedom, dignity and peace for all peoples and for every human being, that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from promoting and protecting the others;

3. Reaffirms that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights;

4. Reiterates once again that the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of peoples and individuals affected by situations such as those mentioned in paragraph 1 (e) of General Assembly resolution 32/130, paying due attention also to other situations of violations of human rights;

5. Considers that the issues previously mentioned in paragraph 4 above should be approached with due attention in the preparatory work for the World Conference on Human Rights so as to evaluate during said Conference the obstacles to achieving progress in the field of human rights;

6. Reaffirms that the right to development is an inalienable human right;

7. Reaffirms also that international peace and security are essential elements for achieving full realization of the right to development;

8. Recognizes that all human rights and fundamental freedoms are indivisible and interdependent;

9. Considers it necessary for all Member States to promote international cooperation on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, with a view to solving international economic, social and humanitarian problems;

10. Urges all States to cooperate with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms;

11. Reaffirms once again that, in order to facilitate the full enjoyment of all human rights without diminishing personal dignity, it is necessary to promote the rights to education, work, health and proper nourishment through the adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as the adoption of measures at the international level, entailing a restructuring of existing international economic relations;

12. Decides that the approach to future work within the United Nations system on human rights matters should also take into account the content of the Declaration on the Right to Development and the need for the implementation thereof;

13. Decides to consider this question at its forty-seventh session.

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HUMAN RIGHTS QUESTIONS

HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

World Conference on Human Rights

Programme budget implications of the draft resolution contained in document A/C.3/46/L.26*

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. By operative paragraph 1 of draft resolution A/C.3/46/L.26*, the General Assembly would take note with appreciation of the report of the Preparatory Committee on its first session. 1/

2. By operative paragraph 4, the General Assembly would decide, in accordance with the decisions adopted by the Preparatory Committee:

I. (a) That the provisional agenda for the World Conference and the documentation related thereto be taken up by the Preparatory Committee at its second session;

(b) That the draft rules of procedure for the World Conference be taken up by the Preparatory Committee at its second session;

(c) That the World Conference be convened at Berlin, for a period of two weeks in 1993;

(d) That the Secretary-General give the conference and the preparatory process thereto, the widest possible publicity and ensure full coordination of public information activities in the area of human rights within the United Nations system;

II. That the Preparatory Committee would meet for three further sessions in Geneva, twice in 1992 and once in 1993, the next session to last two weeks and the two further sessions one to two weeks each if this is agreed to be necessary, and decides also that no more than two meetings take place simultaneously during the session of the Preparatory Committee and that no inter-sessional working group be established;

III. To reiterate its invitation for contributions of extrabudgetary resources to meet the costs of participation of representatives of the least developed countries in the preparatory meetings including regional meetings and the World Conference itself, and to request the Secretary-General to intensify his efforts in this regard;

IV. That, in accordance with the objectives and provisions of General Assembly resolution 45/155, regional meetings be convened for each region that so desires within the institutional framework or with the assistance of the regional commissions and that these meetings be financed as part of the preparatory work for the World Conference, as recommended for consideration by the Commission on Human Rights in paragraph 8 of the annex to its resolution 1991/30;

V. To request the Secretary-General to prepare the following documentation as soon as possible and to report to the next session of the Preparatory Committee on the progress made on:

(1) A limited number of short, analytical and action-oriented studies on issues referred to in paragraph 1 of General Assembly resolution 45/155, Commission on Human Rights resolution 1991/30 and in particular in paragraph 2 of the annex thereto, and also bearing in mind documentation prepared for, as well as statements made at, the first session of the Preparatory Committee;

(2) Reports of meetings that have been organized under the auspices of the United Nations human rights programme pursuant to General Assembly resolution 45/155;

(3) A reference guide to all United Nations studies and reports on human rights or related aspects;

(4) An update of the publication United Nations Action in the Field of Human Rights;

(5) An update of the Compilation of International Instruments and the Status of international instruments, including also texts of regional instruments on human rights.

To note further that the Preparatory Committee decided that the experts and consultants employed for this purpose should be selected with due regard to equitable geographical distribution;

VI. To encourage the Chairman of the Commission on Human Rights, the chairpersons or other designated members of human rights bodies, including the chairpersons of bodies established under international human rights instruments or their designated representatives, as well as special and thematic rapporteurs and the chairpersons or designated members of working groups, to contribute as observers by taking part as appropriate in the work of the Preparatory Committee and the World Conference.

3. By operative paragraph 6, the General Assembly would request the Secretary-General to encourage initiatives on the national, regional and international levels designed to make the World Conference process a success.

4. By operative paragraphs 7 and 8, the General Assembly would also request the Secretary-General to provide the Preparatory Committee with all necessary assistance and would request the Preparatory Committee to report to the General Assembly at its forty-seventh session on progress in the work of the Committee.

B. Relationship of requests to proposed programme of work

5. The above requests are related to programmes 35 and 38 of the medium-term plan for the period 1992-1997 2/ and to sections 28 (Human rights) and 31 (Public Information) of the proposed programme budget for the biennium 1992-1993. 3/ In paragraph 28.35 of this programme budget, a non-recurrent amount of $1.5 million is proposed for the Conference preparations.

C. Resource requirements

6. To undertake the activities identified by the Preparatory Committee, it is proposed to strengthen the Centre for Human Rights and the Department of Public Information.

Staffing

7. The following additional resources would be required:

(a) To provide overall coordination and management, general temporary assistance would be required equivalent to 1 P-5 level post for 20 work-months;

(b) To assist in the preparation of sessions of the Preparatory Committee and other related working groups and the preparation of their reports, general temporary assistance would be required equivalent to 1 P-4 level post for 20 work-months;

(c) To assist those involved in the coordination and preparation of sessions and reports, the equivalent of 2 General Service level posts would be needed for 20 work-months;

(d) To assist in the preparation of studies, reports and updates of other documents as well as a reference guide, general temporary assistance equivalent to 1 P-4 level and 1 General Service level post for 18 work-months each would be required;

(e) To assist in the liaison work with non-governmental organizations (NGOs) and human rights institutions, general temporary assistance equivalent to 1 P-3 for 12 work-months (6 in 1992 and 6 in 1993), would be necessary;

(f) In addition, expertise would also be needed to undertake the requested analytical studies and reports. It is proposed to include a request for 36 work-months of consultants during the preparatory period, at a cost of $180,000.

8. It is also proposed to provide the conference secretariat with electronic data-processing (EDP) equipment, which would include two lap-top units, three personal computers and three laser printers, related softwares and linkages with other services. The cost for this equipment would be $25,000.

Preparatory meetings

9. Pursuant to operative paragraph 4 II of the draft resolution, the General Assembly would decide that the Preparatory Committee would meet for three further sessions at Geneva, twice in 1992 and once in 1993. The next session in 1992 would be for two weeks while the remaining two sessions would be of one to two weeks' duration each. The Assembly would decide further to recommend that no more than two meetings take place simultaneously during the sessions of the Preparatory Committee and that no inter-sessional working group be established.

10. The conference-servicing requirements for these meetings are estimated at $2,100,600. A synoptic presentation of the meetings and their requirements is annexed to the present document.

11. The cost for information coverage of the Preparatory Committee meetings in 1992 and 1993 at Geneva would amount to $15,000.

12. It should be noted that, in connection with paragraph 4 III of the draft resolution and paragraph 7 of Assembly resolution 45/155, the Secretary-General has established a trust fund for the purpose of accepting contributions to meet, inter alia, the cost of participation of representatives of least developed countries in the preparatory meetings and the Conference itself. Contributions are expected in the near future.

Regional meetings

13. It is envisaged that there would be four meetings in 1992 at the headquarters of the Economic Commission for Latin America and the Caribbean (ECLAC), the Economic Commission for Africa (ECA), the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Economic Commission for Europe (ECE). The full conference-servicing requirements are estimated at $572,400, details of which are provided in the annex to the present document. Of this amount $452,400 would be accommodated from within sections 23, 24 and 26 of the proposed programme budget for the biennium 1992-1993 and the remaining amount of $120,000 from section 32. In addition, a provision of $20,000 would be required for travel of staff from the Centre for Human Rights to each of the regional meetings.

Public information

14. The public information programme for the World Conference would emphasize the purpose and objectives of the World Conference and would aim at enhancing public awareness of major human rights issues, keeping in view the equal importance and indivisibility of all categories of human rights as well as the interrelationship between human rights and development with full respect for the Charter of the United Nations. The information programme would (a) inform on the preparatory activities leading up to the Conference; (b) inform on the key issues of the agenda of the Conference; (c) help to create an awareness of the significance of the Conference and of the United Nations in the field of human rights; (d) highlight some of the basic problems faced in different regions of the world; and (e) continue to publicize existing United Nations declarations and international instruments. It would be targeted mainly to the following audiences worldwide: media especially interested in human rights issues, government officials, intergovernmental organizations, NGOs, educational institutions and secondary school students.

15. In connection with the Preparatory Committee's decision that the Secretary-General give the Conference and its preparation the widest possible publicity and in order to utilize fully the opportunities offered by the convening of the World Conference, several information activities are envisaged to be carried out by the Centre. It is estimated that additional external printing costs as well as staff and expert travel costs would be necessary for the following activities:

(a) A special series of fact sheets devoted to the Conference would include items on the preparatory process, as well as some of the substantive items on the agenda of the Conference;

(b) Two or more special issues of the Bulletin of Human Rights containing articles by international personalities on the objectives and possible outcome of the World Conference;

(c) Assistance in the establishment of national committees for the World Conference would include the distribution of general documentation on human rights and on the Conference itself;

(d) Wider dissemination of the manual on the reporting obligations under the six human rights instruments;

(e) Printing and distribution in an ad hoc format of the Final Proclamation and related documents of the 1968 Teheran Conference;

(f) Development of a teaching manual for human rights education at higher levels to be widely distributed in schools, together with the ABC: Teaching Human Rights;

(g) Awarding of a human rights prize to individuals who have made an outstanding contribution to the promotion and protection of human rights;

(h) Participation in meetings in all regions within the framework of the World Public Information Campaign for Human Rights to work with specific target groups (such as NGOs, academic and research institutions and parliamentarians) on the aims and objectives of the World Conference.

16. Resources amounting to $326,800 have already been included in section 28 (Human rights) of the proposed programme budget for the biennium 1992-1993 under external printing, for inter alia, Fact Sheets, issues of the Bulletin of Human Rights, the Status of Human Rights International Instruments and Compilation of International Instruments. In addition to these resources, it is recommended to provide the Centre with additional assistance as follows:

(a) An additional amount of $100,000 for external printing and dissemination costs;

(b) An amount of $10,000 for a human rights prize;

(c) An amount of $30,000 for travel of staff and $20,000 for individuals participating as resource persons in meetings within the framework of the World Public Information Campaign for Human Rights.

17. The information programme on the World Conference to be carried out by the Department of Public Information would include information products for dissemination in various formats (print, film, radio and television) as well as other promotional activities. Activities and resources already included in

the proposed programme budget for the biennium 1992-1993, and additional ones, are detailed below:

	Included in proposed programme budget for the biennium 1992-1993	Additional request
	(In thousands of $US)	
(i) Pre-Conference illustrated brochure on the activities of the United Nations in the field of human rights and Conference preparations, in mid-1992, in the six official languages plus German (100,000 copies)	-	65 000
(ii) Multi-colour poster for the Conference, in early 1993, in the six official languages with additional copies for overprinting in German (60,000 copies)	-	55 000
(iii) Press information kit on the human rights situation and United Nations efforts to promote and protect human rights, in the first quarter of 1993, in English, French, and Spanish, for a selected list of media organizations and NGOs (12,000 kits)	57 000	50 000
(iv) Series of background notes, periodically, within the United Nations Focus series (English, French and Spanish), to cover in greater detail the issues before the Conference	10 000	-
(v) Special supplements on the issues before the Conference and pre-Conference activities in the periodical United Nations Chronicle, which appears in the six official United Nations languages, and regular coverage in the Development Forum, which appears in English, French and Spanish	5 400	-
(vi) Special edition of the publication Notes for Speakers, in 1993, in English (10,000 copies), French (5,000 copies) and Spanish (5,000 copies)	-	60 000

		Included in proposed programme budget for the biennium 1992-1993	Additional request
		(In thousands of $US)	
(vii)	Local information programmes by selected centres among the network of 67 United Nations information centres and information services. These would include the organization at the national level of information activities such as seminars, panel discussions, exhibits and the reproduction of information material into local languages, to publicize the Conference. Seed money would be made available to selected information centres	-	40 000
(viii)	Reprints of the Universal Declaration of Human Rights, in the official languages of the United Nations and in German, as well as other international human rights instruments would continue in 1992-1993	35 000	-
(ix)	Series of special radio feature documentaries in the six official United Nations languages and other languages would be produced within the Perspective series	-	15 000
(x)	One segment of the television programme "UN in Action" would be produced for use on the Cable News Network (CNN) weekly programme "World Report", which is seen in 90 countries. The Department would distribute this item in Arabic, English, French, Russian and Spanish to additional broadcasters worldwide	13 000	-
(xi)	Two or more half-hour programmes in the television series "World Chronicle" would include interviews with leading personalities in the field of human rights and the preparations for the World Conference	4 600	-

		Included in proposed programme budget for the biennium 1992-1993	Additional request
		(In thousands of $US)	
(xii)	Additional resources to allow for a world-wide distribution of the print and audiovisual products mentioned above	-	50 000
(xiii)	Fellowships would also be provided for journalists from developing countries to attend a two-day pre-Conference Journalists' Encounter and the Conference itself. They would be briefed on the main issues on the agenda. The Encounter would also be open to all journalists accredited to the Conference. The cost for the travel and per diem of the journalists selected from developing countries to attend the Encounter and to cover the Conference would be	25 000	75 000
(xiv)	An inter-agency working group would be established by the Department of Public Information in New York in early 1992 to encourage joint inter-agency as well as individual information activities, within the framework of the Joint United Nations Information Committee, in order to strengthen system-wide information activities on the Conference aimed at targeted audiences. No financial implications are expected to arise from this activity	-	-
	Total	150 000	410 000

The Conference

18. Under the terms of operative paragraph 4 of draft resolution A/C.3/46/L.26, the General Assembly would decide that the World Conference on Human Rights be convened at Berlin for a period of two weeks in 1993. General Assembly resolution 40/243 provides that the United Nations bodies may hold sessions away from their established headquarters when a Government issuing an invitation for a session to be held within its territory has agreed to defray, after consultation with the Secretary-General as to their nature and possible extent, the actual additional costs directly or indirectly involved. For the purposes of the present statement, the venue of the Conference has been taken to be Geneva, the site of the secretariat of the Conference. Should the General Assembly adopt the proposal to hold the Conference at Berlin, it is understood that all costs over and above those estimated for Geneva would be met by the host country.

19. In addition, the following assumptions are made:

(a) The Conference would meet for 10 days;

(b) It would be preceded by three days of pre-Conference consultations;

(c) There would be three simultaneous meetings in the morning and the afternoon for a total of six meetings daily. The languages of the Conference would be Arabic, Chinese, English, French, Russian and Spanish. There would be 500 pages of pre-session, 400 pages of in-session, and 150 pages of post-session documentation;

(d) A provision of $6,000 would be required for overtime;

(e) An amount of $6,000 would be required for an official reception for the Conference participants;

(f) The cost of information coverage of the Conference itself has been estimated at $100,000. This figure is based on workload standards for coverage of major conferences.

20. The estimated costs, therefore, relating to the convening of the Conference itself and the pre-Conference consultations would be as follows:

	1992-1993 (In United States dollars)
Conference-servicing requirements	1 376 400
Other costs	112 000
Total	1 488 400

21. To recapitulate, the total requirements for the preparatory activities and the Conference itself would amount to $6,040,400, as summarized below:

	1992-1993 (In thousands of United States dollars)
A. SECRETARIAT	
General temporary assistance (para. 7)	1 029.0
Consultants (para. 7 (f))	180.0
Travel of participants (para. 16 (c))	20.0
Overtime (para. 19 (d))	6.0
Official travel of staff (paras. 13 and 16 (c))	90.0
External printing (para. 16 (a))	100.0
Hospitality (para. 14 (e))	6.0
Grants (para. 16 (b))	10.0
Acquisition of EDP equipment (para. 8)	25.0
B. PUBLIC INFORMATION (paras. 11, 17, 19 (f))	525.0
Subtotal A and B	1 991.0
C. CONFERENCE SERVICING	
Preparatory committees	2 100.6
Regional meetings (ECLAC, ECA, ESCAP)	452.4
Regional meeting (ECE)	120.0
Pre-conference consultations	49.3
1993 Conference	1 327.1
Subtotal C	4 049.4
Total (A, B and C)	6 040.4

22. By operative paragraph 4 VI, the General Assembly would encourage the Chairman of the Commission on Human Rights, the chairpersons or other designated members of human rights bodies, including the chairpersons of bodies established under international human rights agreements or their designated representatives, as well as special and thematic rapporteurs and the chairpersons or designated members of working groups, to contribute as observers by taking part as appropriate in the work of the Preparatory Committee and the World Conference, which is not interpreted as implying financing from the United Nations. Should the General Assembly decide otherwise, the travel costs for the above-mentioned persons would amount to $400,000 and would need to be added to the total estimated cost of the Conference.

Conference-servicing costs

23. The estimates of conference-servicing costs of $3,597,000 for 1992-1993 are based on the theoretical assumption that no part of the conference-servicing requirements would be met from within the permanent conference-servicing capacity under section 32 of the proposed programme budget, and that additional resources would be required for temporary assistance for meetings. However, as indicated in paragraph 32.4 of the proposed programme budget, the 1992-1993 level of resources for temporary assistance for meetings was estimated on the basis of previous experience to accommodate not only meetings that are programmed, but also additional meetings. In other words, provision was made in the proposed programme budget not only for meetings known at that time of budget preparation but also for meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium 1992-1993 was consistent with the pattern of meetings in past years. On that basis, it is estimated that no additional resources would be required under section 32 of the proposed programme budget for the biennium 1992-1993.

Other costs

24. In paragraph 28.35 of the proposed programme budget for the biennium 1992-1993 it is stated "while it is clear that there would be additional requirements in 1992 and 1993, it is not, however, feasible at this stage to ascertain with any degree of precision the additional requirements that would arise in respect of preparations for the Conference. Requirements, such as activities at the international, regional and national levels and the addition of temporary staff and resources for travel and consultants as well as resources for the Department of Public Information, would be defined after the first session of the Preparatory Committee scheduled for September 1991. It is, therefore, proposed to include a non-recurrent amount of $1,500,000 which should cover such requirements as mentioned above".

25. The total amount now proposed ($1,991,000), which includes among other objects of expenditure general temporary assistance equivalent to one P-5, two P-4, one P-3 and three General Service level posts as detailed in paragraph 7, is $491,000 over the amount ($1,500,000) included in section 28 of the proposed programme budget for the biennium 1992-1993. Of the total requirements ($1,991,000), the amount of $525,000 relates to public information activities for the Conference.

D. Contingency Fund

26. Under the procedure established by the General Assembly in its resolution 41/213 of 19 December 1986, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget. Also, each statement of programme budget implications should contain alternatives to the financing from the Contingency Fund of the proposed new activities.

27. In paragraph 7 of resolution 45/155, the General Assembly decided that the preparatory process and the Conference itself should be funded through the regular budget of the United Nations without any implications for the programmes provided for under section 23 of the programme budget. Therefore, no activity has been identified for termination, deferral, curtailment or modification under sections 28 and 31 of the proposed programme budget for the biennium 1992-1993. Should it not prove possible to meet the costs required from the Contingency Fund, the implementation of activities requested in draft resolution A/C.3/46/L.26 would have to be deferred, as provided for in the guidelines for the use of the Contingency Fund adopted by the Assembly in resolution 42/211 of 21 December 1987.

E. Summary

28. Should the General Assembly adopt draft resolution A/C.3/46/L.26, an additional appropriation of $491,000 would be required.

Notes

1/ A/46/24.

2/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. II.

3/ Ibid., Forty-sixth Session, Supplement No. 6 (A/46/6/Rev.1), vol. II.

Annex

SCHEDULE OF MEETINGS AND CONFERENCE-SERVICING REQUIREMENTS

	Location	Date	Duration (working days)	Number of pages			Language	Daily meetings	Conference-servicing costs ($US)
				Pre-	In-session	Post-			
Preparatory Committee a/ (Second session)	Geneva	Spring 1992	10	200	200	70	6	4	792 000
Preparatory Committee (Third session)	Geneva	Fall 1992	10	150	150	70	6	4	672 600
Preparatory Committee (Fourth session)	Geneva	Spring 1993	10	150	100	32	6	4	636 000
Regional meetings									
ECLAC	Santiago	1992	5	100	50	20	3 EFS	2	122 000
ECA	Addis Ababa	1992	5	100	50	20	3 AEF	2	122 400
ESCAP	Bangkok	1992	5	100	50	20	4 CEFR	2	208 000
ECE	Geneva	1992	5	100	50	20	3 EFS	2	120 000
Pre-conference consultations	Geneva b/	1993	3	-	-	10	6	2	49 300
1993 Conference	Geneva b/	1993	10	500	400	150	6	6	1 327 100
Total									4 049 400

a/ The first session of the Preparatory Committee was held at Geneva from 9 to 13 September 1991.

b/ Cost estimates based on Geneva.

UNITED
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Forty-sixth session
THIRD COMMITTEE
Agenda item 98 (b)

HUMAN RIGHTS QUESTIONS

HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Australia, Austria, Bahamas, Belgium, Bulgaria, Cameroon, Canada, Cape Verde, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Hungary, Iceland, Indonesia, Ireland, Italy, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Mauritania, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Samoa, Senegal, Spain, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela and Zimbabwe:
draft resolution

Strengthening of the Centre for Human Rights

The General Assembly,

Recalling its resolutions 44/135 of 15 December 1989 and 45/180 of 21 December 1990,

Bearing in mind Commission on Human Rights resolutions 1989/46 of March 1989, 1/ 1990/25 of 27 February 1990 2/ and 1991/23 of 5 March 1991, as well as Economic and Social Council resolutions 1990/47 of 25 May 1990 and 191/36 of 31 May 1991,

Recalling also its resolution 45/248 B of 21 December 1990 and in particular section VI,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the United Nations enshrined in the Charter of the United Nations and an issue of the utmost importance for the Organization,

Recalling that the Secretary-General in his report on the work of the Organization for 1991 stated that the protection of human rights has now become one of the keystones in the arch of peace, 3/

Recognizing the important role of the Centre for Human Rights in the promotion, protection and implementation of human rights and the need to provide sufficient human resources to the Centre, particularly in view of the fact that its workload has greatly increased while resources have failed to keep pace with the expansion of its responsibilities, 4/

Having considered the report of the Secretary-General 5/ and noting that, while increased resources were accorded by the General Assembly at its forty-fifth session in response to the critical situation faced by the Centre for Human Rights in 1991, since then, the workload of the Centre, inter alia, by reasons of decisions of intergovernmental and expert bodies, has continued to increase in response to strongly felt international concerns,

Noting also that the Centre for Human Rights has been requested by the Commission on Human Rights and the Economic and Social Council to carry out additional mandates after the preparation of the proposed programme budget for the biennium 1992-1993,

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1/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

2/ Ibid., 1990, Supplement No. 2 and corrigendum (E/1990/22 and Corr.1), chap. II, sect. A.

3/ See Official Records of the General Assembly, Forty-sixth Session, Supplement No. 1 (A/46/1), sect. VI.

4/ See E/1990/50.

5/ A/46/603.

1. Emphasizes that, in reviewing the proposed programme budget for the biennium 1992-1993, adequate staffing, temporary assistance and other resources should be allocated to the Centre for Human Rights so as to enable it to respond to its increasing workload and to cover its needs in order to carry out all the functions assigned to it, including the preparations for the World Conference on Human Rights and the Conference itself;

2. Requests the Secretary-General to ensure that sufficient resources are accorded to the Centre for Human Rights to enable it to carry out, in full and on time, all the mandates, including the additional ones, on the basis of the decisions of intergovernmental and expert bodies;

3. Also requests the Secretary-General to submit an interim report to the Commission on Human Rights at its forty-eighth session and a final report to the General Assembly at its forty-seventh session on the developments relating to the activities of the Centre for Human Rights and on the measures taken to implement the present resolution.

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General Assembly

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THIRD COMMITTEE
Agenda item 98 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Austria, Belgium, Chile, France, Greece, Guatemala, Hungary, Italy, Luxembourg, Morocco, Netherlands, Nigeria, Panama, Peru, Philippines, Samoa, Spain, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Zaire and Zimbabwe: draft resolution

The protection of persons with mental illness and the improvement of mental health care

The General Assembly,

Mindful of the provisions of the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights, 2/ the International Covenant on Economic, Social and Cultural Rights 2/ and other relevant instruments, such as the Declaration on the Rights of Disabled Persons 3/ and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 4/

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Resolution 3447 (XXX).

4/ Resolution 43/173, annex.

Recalling its resolution 33/53 of 14 December 1978, in which it requested the Commission on Human Rights to urge the Subcommission on Prevention of Discrimination and Protection of Minorities to undertake, as a matter of priority, a study of the question of the protection of those detailed on the grounds of mental ill-health, with a view to formulating guidelines,

Recalling also its resolution 45/92 of 14 December 1990, in which it welcomed the progress made by the working group on the Commission on Human Rights in elaborating a draft body of principles for the protection of persons with mental illness and for the improvement of mental health care on the basis of a draft submitted to the Commission by the Subcommission on Prevention of Discrimination and Protection of Minorities,

Taking note of Commission on Human Rights resolution 1991/46 of 5 March 1991, 5/ in which the Commission endorsed the draft body of principles that had been submitted to it by the working group and decided to transmit it as well as the report of the working group to the General Assembly through the Economic and Social Council,

Taking note also of Economic and Social Council resolution 1991/29 of 31 May 1991, in which the Council decided to submit the draft body of principles and the report of the working group to the General Assembly,

Taking note further of the recommendations of the Commission on Human Rights in its resolution 1991/46 and of the Economic and Social Council in its resolution 1991/29 that, on the adoption by the General Assembly of the draft body of principles, the full text thereof should be given the widest possible dissemination and that the introduction should at the same time be published as an accompanying document for the benefit of Governments and the public at large,

Taking note further of the note by the Secretary-General, 6/ which in its annex contains the draft body of principles and the introduction to the body of principles,

1. Adopts the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, the text of which is contained in the annex to the present resolution;

2. Requests the Secretary-General to include the text of the body of Principles, together with the introduction, in the next edition of "Human Rights - A Compilation of International Instruments";

5/ Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

6/ A/46/421.

3. Requests the Secretary-General to give the widest possible dissemination of the body of Principles and to ensure that the introduction is published at the same time as an accompanying document for the benefit of Governments and the public at large.

ANNEX

Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care

APPLICATION

These Principles shall be applied without discrimination of any kind such as on grounds of disability, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, legal or social status, age, property or birth.

DEFINITIONS

In these Principles:

"Counsel" means a legal or other qualified representative;

"Independent authority" means a competent and independent authority prescribed by domestic law;

"Mental health care" includes analysis and diagnosis of a person's mental condition, and treatment, care and rehabilitation for a mental illness or suspected mental illness;

"Mental health facility" means any establishment, or any unit of an establishment, which as its primary function provides mental health care;

"Mental health practitioner" means a medical doctor, clinical psychologist, nurse, social worker or other appropriately trained and qualified person with specific skills relevant to mental health care;

"Patient" means a person receiving mental health care and includes all persons who are admitted to a mental health facility;

"Personal representative" means a person charged by law with the duty of representing a patient's interests in any specified respect or of exercising specified rights on the patient's behalf, and includes the parent or legal guardian of a minor unless otherwise provided by domestic law;

"The review body" means the body established in accordance with Principle 17 to review the involuntary admission or retention of a patient in a mental health facility.

GENERAL LIMITATION CLAUSE

The exercise of the rights set forth in these Principles may be subject only to such limitations as are prescribed by law and are necessary to protect the health or safety of the person concerned or of others, or otherwise to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

Principle 1

FUNDAMENTAL FREEDOMS AND BASIC RIGHTS

1. All persons have the right to the best available mental health care, which shall be part of the health and social care system.

2. All persons with a mental illness, or who are being treated as such persons, shall be treated with humanity and respect for the inherent dignity of the human person.

3. All persons with a mental illness, or who are being treated as such persons, have the right to protection from economic, sexual and other forms of exploitation, physical or other abuse and degrading treatment.

4. There shall be no discrimination on the grounds of mental illness. "Discrimination" means any distinction, exclusion or preference that has the effect of nullifying or impairing equal enjoyment of rights. Special measures solely to protect the rights, or secure the advancement, of persons with mental illness shall not be deemed to be discriminatory. Discrimination does not include any distinction, exclusion or preference undertaken in accordance with the provisions of these Principles and necessary to protect the human rights of a person with a mental illness or of other individuals.

5. Every person with a mental illness shall have the right to exercise all civil, political, economic, social and cultural rights as recognized in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and in other relevant instruments, such as the Declaration on the Rights of Disabled Persons and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

6. Any decision that, by reason of his or her mental illness, a person lacks legal capacity, and any decision that, in consequence of such incapacity, a personal representative shall be appointed, shall be made only after a fair hearing by an independent and impartial tribunal established by domestic law. The person whose capacity is in issue shall be entitled to be represented by a counsel. If the person whose capacity is at issue does not himself or herself secure such representation, it shall be made available without payment by that person to the extent that he or she does not have sufficient means to pay for it. The counsel shall not in the same proceedings represent a mental health

facility or its personnel and shall not also represent a member of the family of the person whose capacity is at issue unless the tribunal is satisfied that there is no conflict of interest. Decisions regarding capacity and the need for a personal representative shall be reviewed at reasonable intervals prescribed by domestic law. The person whose capacity is at issue, his or her personal representative, if any, and any other interested person shall have the right to appeal to a higher court against any such decision.

7. Where a court or other competent tribunal finds that a person with mental illness is unable to manage his or her own affairs, measures shall be taken, so far as is necessary and appropriate to that person's condition, to ensure the protection of his or her interests.

Principle 2

PROTECTION OF MINORS

Special care should be given within the purposes of these Principles and within the context of domestic law relating to the protection of minors to protect the rights of minors, including, if necessary, the appointment of a personal representative other than a family member.

Principle 3

LIFE IN THE COMMUNITY

Every person with a mental illness shall have the right to live and work, as far as possible, in the community.

Principle 4

DETERMINATION OF MENTAL ILLNESS

1. A determination that a person has a mental illness shall be made in accordance with internationally accepted medical standards.

2. A determination of mental illness shall never be made on the basis of political, economic or social status, or membership of a cultural, racial or religious group, or any other reason not directly relevant to mental health status.

3. Family or professional conflict, or non-conformity with moral, social, cultural or political values or religious beliefs prevailing in a person's community, shall never be a determining factor in diagnosing mental illness.

4. A background of past treatment or hospitalization as a patient shall not of itself justify any present or future determination of mental illness.

5. No person or authority shall classify a person as having, or otherwise indicate that a person has, a mental illness except for purposes directly relating to mental illness or the consequences of mental illness.

Principle 5

MEDICAL EXAMINATION

No person shall be compelled to undergo medical examination with a view to determining whether or not he or she has a mental illness except in accordance with a procedure authorized by domestic law.

Principle 6

CONFIDENTIALITY

The right of confidentiality of information concerning all persons to whom these Principles apply shall be respected.

Principle 7

ROLE OF COMMUNITY AND CULTURE

1. Every patient shall have the right to be treated and cared for, as far as possible, in the community in which he or she lives.

2. Where treatment takes place in a mental health facility, a patient shall have the right, whenever possible, to be treated near his or her home or the home of his or her relatives or friends and shall have the right to return to the community as soon as possible.

3. Every patient shall have the right to treatment suited to his or her cultural background.

Principle 8

STANDARDS OF CARE

1. Every patient shall have the right to receive such health and social care as is appropriate to his or her health needs, and is entitled to care and treatment in accordance with the same standards as other ill persons.

2. Every patient shall be protected from harm, including unjustified medication, abuse by other patients, staff or others or other acts causing mental distress or physical discomfort.

Principle 9

TREATMENT

1. Every patient shall have the right to be treated in the least restrictive environment and with the least restrictive or intrusive treatment appropriate to the patient's health needs and the need to protect the physical safety of others.

2. The treatment and care of every patient shall be based on an individually prescribed plan, discussed with the patient, reviewed regularly, revised as necessary and provided by qualified professional staff.

3. Mental health care shall always be provided in accordance with applicable standards of ethics for mental health practitioners, including internationally accepted standards such as the Principles of Medical Ethics adopted by the United Nations General Assembly. Mental health knowledge and skills shall never be abused.

4. The treatment of every patient shall be directed towards preserving and enhancing personal autonomy.

Principle 10

MEDICATION

1. Medication shall meet the best health needs of the patient, shall be given to a patient only for therapeutic or diagnostic purposes and shall never be administered as a punishment or for the convenience of others. Subject to the provisions of paragraph 15 of Principle 11, mental health practitioners shall only administer medication of known or demonstrated efficacy.

2. All medication shall be prescribed by a mental health practitioner authorized by law and shall be recorded in the patient's records.

Principle 11

CONSENT TO TREATMENT

1. No treatment shall be given to a patient without his or her informed consent, except as provided for in paragraphs 6, 7, 8, 13 and 15 below.

2. Informed consent is consent obtained freely, without threats or improper inducements, after appropriate disclosure to the patient of adequate and understandable information in a form and language understood by the patient on:

(a) The diagnostic assessment;

(b) The purpose, method, likely duration and expected benefit of the proposed treatment;

(c) Alternative modes of treatment, including those less intrusive; and

(d) Possible pain or discomfort, risks and side-effects of the proposed treatment.

3. A patient may request the presence of a person or persons of the patient's choosing during the procedure for granting consent.

4. A patient has the right to refuse or stop treatment except as provided for in paragraphs 6, 7, 8, 13 and 15 below. The consequences of refusing or stopping treatment must be explained to the patient.

5. A patient shall never be invited or induced to waive the right to informed consent. If the patient should seek to do so, it shall be explained to the patient that the treatment cannot be given without informed consent.

6. Except as provided in paragraphs 7, 8, 12, 13, 14 and 15 below, a proposed plan of treatment may be given to a patient without a patient's informed consent if the following conditions are satisfied:

(a) The patient is, at the relevant time, held as an involuntary patient;

(b) An independent authority, having in its possession all relevant information, including the information specified in paragraph 2 above, is satisfied that, at the relevant time, the patient lacks the capacity to give or withhold informed consent to the proposed plan of treatment or, if domestic legislation so provides, that, having regard to the patient's own safety or the safety of others, the patient unreasonably withholds such consent; and

(c) The independent authority is satisfied that the proposed plan of treatment is in the best interest of the patient's health needs.

7. Paragraph 6 above does not apply to a patient with a personal representative empowered by law to consent to treatment for the patient; but, except as provided in paragraphs 12, 13, 14 and 15 below, treatment may be given to such a patient without his or her informed consent if the personal representative, having been given the information described in paragraph 2 above, consents on the patient's behalf.

8. Except as provided in paragraphs 12, 13, 14 and 15 below, treatment may also be given to any patient without the patient's informed consent if a qualified mental health practitioner authorized by law determines that it is urgently necessary in order to prevent immediate or imminent harm to the patient or to other persons. Such treatment shall not be prolonged beyond the period that is strictly necessary for this purpose.

9. Where any treatment is authorized without the patient's informed consent, every effort shall nevertheless be made to inform the patient about the nature of the treatment and any possible alternatives and to involve the patient as far as practicable in the development of the treatment plan.

10. All treatment shall be immediately recorded in the patient's medical records, with an indication of whether involuntary or voluntary.

11. Physical restraint or involuntary seclusion of a patient shall not be employed except in accordance with the officially approved procedures of the mental health facility and only when it is the only means available to prevent immediate or imminent harm to the patient or others. It shall not be prolonged beyond the period which is strictly necessary for this purpose. All instances of physical restraint or involuntary seclusion, the reasons for them and their nature and extent shall be recorded in the patient's medical record. A patient who is restrained or secluded shall be kept under humane conditions and be under the care and close and regular supervision of qualified members of the staff. A personal representative, if any and if relevant, shall be given prompt notice of any physical restraint or involuntary seclusion of the patient.

12. Sterilization shall never be carried out as a treatment for mental illness.

13. A major medical or surgical procedure may be carried out on a person with mental illness only where it is permitted by domestic law, where it is considered that it would best serve the health needs of the patient and where the patient gives informed consent, except that, where the patient is unable to give informed consent, the procedure shall be authorized only after independent review.

14. Psychosurgery and other intrusive and irreversible treatments for mental illness shall never be carried out on a patient who is an involuntary patient in a mental health facility and, to the extent that domestic law permits them to be carried out, they may be carried out on any other patient only where the patient has given informed consent and an independent external body has satisfied itself that there is genuine informed consent and that the treatment best serves the health needs of the patient.

15. Clinical trials and experimental treatment shall never be carried out on any patient without informed consent, except that a patient who is unable to give informed consent may be admitted to a clinical trial or given experimental treatment, but only with the approval of a competent, independent review body specifically constituted for this purpose.

16. In the cases specified in paragraphs 6, 7, 8, 13, 14 and 15 above, the patient or his or her personal representative, or any interested person, shall have the right to appeal to a judicial or other independent authority concerning any treatment given to him or her.

Principle 12

NOTICE OF RIGHTS

1. A patient in a mental health facility shall be informed as soon as possible after admission, in a form and a language which the patient understands, of all his or her rights in accordance with these Principles and under domestic law, which information shall include an explanation of those rights and how to exercise them.

2. If and for so long as a patient is unable to understand such information, the rights of the patient shall be communicated to the personal representative, if any and if appropriate, and to the person or persons best able to represent the patient's interests and willing to do so.

3. A patient who has the necessary capacity has the right to nominate a person who should be informed on his or her behalf, as well as a person to represent his or her interests to the authorities of the facility.

Principle 13

RIGHTS AND CONDITIONS IN MENTAL HEALTH FACILITIES

1. Every patient in a mental health facility shall, in particular, have the right to full respect for his or her:

(a) Recognition everywhere as a person before the law;

(b) Privacy;

(c) Freedom of communication, which includes freedom to communicate with other persons in the facility; freedom to send and receive uncensored private communications; freedom to receive, in private, visits from a counsel or personal representative and, at all reasonable times, from other visitors; and freedom of access to postal and telephone services and to newspapers, radio and television;

(d) Freedom of religion or belief.

2. The environment and living conditions in mental health facilities shall be as close as possible to those of the normal life of persons of similar age and in particular shall include:

(a) Facilities for recreational and leisure activities;

(b) Facilities for education;

(c) Facilities to purchase or receive items for daily living, recreation and communication;

(d) Facilities, and encouragement to use such facilities, for a patient's engagement in active occupation suited to his or her social and cultural background, and for appropriate vocational rehabilitation measures to promote reintegration in the community. These measures should include vocational guidance, vocational training and placement services to enable patients to secure or retain employment in the community.

3. In no circumstances shall a patient be subject to forced labour. Within the limits compatible with the needs of the patient and with the requirements of institutional administration, a patient shall be able to choose the type of work he or she wishes to perform.

4. The labour of a patient in a mental health facility shall not be exploited. Every such patient shall have the right to receive the same remuneration for any work which he or she does as would, according to domestic law or custom, be paid for such work to a non-patient. Every such patient shall, in any event, have the right to receive a fair share of any remuneration which is paid to the mental health facility for his or her work.

Principle 14

RESOURCES FOR MENTAL HEALTH FACILITIES

1. A mental health facility shall have access to the same level of resources as any other health establishment, and in particular:

(a) Qualified medical and other appropriate professional staff in sufficient numbers and with adequate space to provide each patient with privacy and a programme of appropriate and active therapy;

(b) Diagnostic and therapeutic equipment for the patient;

(c) Appropriate professional care; and

(d) Adequate, regular and comprehensive treatment, including supplies of medication.

2. Every mental health facility shall be inspected by the competent authorities with sufficient frequency to ensure that the conditions, treatment and care of patients comply with these Principles.

Principle 15

ADMISSION PRINCIPLES

1. Where a person needs treatment in a mental health facility, every effort shall be made to avoid involuntary admission.

2. Access to a mental health facility shall be administered in the same way as access to any other facility for any other illness.

3. Every patient not admitted involuntarily shall have the right to leave the mental health facility at any time unless the criteria for his or her retention as an involuntary patient, as set forth in Principle 16, apply, and he or she shall be informed of that right.

Principle 16

INVOLUNTARY ADMISSION

1. A person may (a) be admitted involuntarily to a mental health facility as a patient; or (b) having already been admitted voluntarily as a patient, be retained as an involuntary patient in the mental health facility if, and only if, a qualified mental health practitioner authorized by law for that purpose determines, in accordance with Principle 4, that that person has a mental illness and considers:

(a) That, because of that mental illness, there is a serious likelihood of immediate or imminent harm to that person or to other persons; or

(b) That, in the case of a person whose mental illness is severe and whose judgement is impaired, failure to admit or retain that person is likely to lead to a serious deterioration in his or her condition or will prevent the giving of appropriate treatment that can only be given by admission to a mental health facility in accordance with the principle of the least restrictive alternative.

In the case referred to in subparagraph (b), a second such mental health practitioner, independent of the first, should be consulted where possible. If such consultation takes place, the involuntary admission or retention may not take place unless the second mental health practitioner concurs.

2. Involuntary admission or retention shall initially be for a short period as specified by domestic law for observation and preliminary treatment pending review of the admission or retention by the review body. The grounds of the admission shall be communicated to the patient without delay and the fact of the admission and the grounds for it shall also be communicated promptly and in detail to the review body, to the patient's personal representative, if any, and, unless the patient objects, to the patient's family.

3. A mental health facility may receive involuntarily admitted patients only if the facility has been designated to do so by a competent authority prescribed by domestic law.

Principle 17

REVIEW BODY

1. The review body shall be a judicial or other independent and impartial body established by domestic law and functioning in accordance with procedures laid down by domestic law. It shall, in formulating its decisions, have the assistance of one or more qualified and independent mental health practitioners and take their advice into account.

2. The review body's initial review, as required by paragraph 2 of Principle 16, of a decision to admit or retain a person as an involuntary patient shall take place as soon as possible after that decision and shall be conducted in accordance with simple and expeditious procedures as specified by domestic law.

3. The review body shall periodically review the cases of involuntary patients at reasonable intervals as specified by domestic law.

4. An involuntary patient may apply to the review body for release or voluntary status, at reasonable intervals as specified by domestic law.

5. At each review, the review body shall consider whether the criteria for involuntary admission set out in paragraph 1 of Principle 16 are still satisfied, and, if not, the patient shall be discharged as an involuntary patient.

6. If at any time the mental health practitioner responsible for the case is satisfied that the conditions for the retention of a person as an involuntary patient are no longer satisfied, he or she shall order the discharge of that person as such a patient.

7. A patient or his personal representative or any interested person shall have the right to appeal to a higher court against a decision that the patient be admitted to, or be retained in, a mental health facility.

Principle 18

PROCEDURAL SAFEGUARDS

1. The patient shall be entitled to choose and appoint a counsel to represent the patient as such, including representation in any complaint procedure or appeal. If the patient does not secure such services, a counsel shall be made available without payment by the patient to the extent that the patient lacks sufficient means to pay.

2. The patient shall also be entitled to the assistance, if necessary, of the services of an interpreter. Where such services are necessary and the patient does not secure them, they shall be made available without payment by the patient to the extent that the patient lacks sufficient means to pay.

3. The patient and the patient's counsel may request and produce at any hearing an independent mental health report and any other reports and oral, written and other evidence that are relevant and admissible.

4. Copies of the patient's records and any reports and documents to be submitted shall be given to the patient and to the patient's counsel except in special cases where it is determined that a specific disclosure to the patient would cause serious harm to the patient's health or put at risk the safety of others. As domestic law may provide, any document not given to the patient should, when this can be done in confidence, be given to the patient's personal representative and counsel. When any part of a document is withheld from a patient, the patient or the patient's counsel, if any, shall receive notice of the withholding and the reasons for it and shall be subject to judicial review.

5. The patient and the patient's personal representative and counsel shall be entitled to attend, participate and be heard personally in any hearing.

6. If the patient or the patient's personal representative or counsel requests that a particular person be present at a hearing, that person shall be admitted unless it is determined that the person's presence could cause serious harm to the patient's health or put at risk the safety of others.

7. Any decision whether the hearing or any part of it shall be in public or in private and may be publicly reported shall give full consideration to the patient's own wishes, to the need to respect the privacy of the patient and of other persons and to the need to prevent serious harm to the patient's health or to avoid putting at risk the safety of others.

8. The decision arising out of the hearing and the reasons for it shall be expressed in writing. Copies shall be given to the patient and his or her personal representative and counsel. In deciding whether the decision shall be published in whole or in part, full consideration shall be given to the patient's own wishes, to the need to respect his or her privacy and that of other persons, to the public interest in the open administration of justice and to the need to prevent serious harm to the patient's health or to avoid putting at risk the safety of others.

Principle 19

ACCESS TO INFORMATION

1. A patient (which term in this Principle includes a former patient) shall be entitled to have access to the information concerning the patient in his or her health and personal records maintained by a mental health facility. This right may be subject to restrictions in order to prevent serious harm to the patient's health and avoid putting at risk the safety of others. As domestic law may provide, any such information not given to the patient should, when this can be done in confidence, be given to the patient's personal

representative and counsel. When any of the information is withheld from a patient, the patient or the patient's counsel, if any, shall receive notice of the withholding and the reasons for it and it shall be subject to judicial review.

2. Any written comments by the patient or the patient's personal representative or counsel shall, on request, be inserted in the patient's file.

Principle 20

CRIMINAL OFFENDERS

1. This Principle applies to persons serving sentences of imprisonment for criminal offences, or who are otherwise detained in the course of criminal proceedings or investigations against them, and who are determined to have a mental illness or who it is believed may have such an illness.

2. All such persons should receive the best available mental health care as provided in Principle 1. These Principles shall apply to them to the fullest extent possible, with only such limited modifications and exceptions as are necessary in the circumstances. No such modifications and exceptions shall prejudice the persons' rights under the instruments noted in paragraph 5 of Principle 1.

3. Domestic law may authorize a court or other competent authority, acting on the basis of competent and independent medical advice, to order that such persons be admitted to a mental health facility.

4. Treatment of persons determined to have a mental illness shall in all circumstances be consistent with Principle 11.

Principle 21

COMPLAINTS

Every patient and former patient shall have the right to make a complaint through procedures as specified by domestic law.

Principle 22

MONITORING AND REMEDIES

States shall ensure that appropriate mechanisms are in force to promote compliance with these Principles, for the inspection of mental health facilities, for the submission, investigation and resolution of complaints and for the institution of appropriate disciplinary or judicial proceedings for professional misconduct or violation of the rights of a patient.

Principle 23

IMPLEMENTATION

1. States should implement these Principles through appropriate legislative, judicial, administrative, educational and other measures, which they shall review periodically.

2. States shall make these Principles widely known by appropriate and active means.

Principle 24

SCOPE OF PRINCIPLES RELATING TO MENTAL HEALTH FACILITIES

These Principles apply to all persons who are admitted to a mental health facility.

Principle 25

SAVING OF EXISTING RIGHTS

There shall be no restriction upon or derogation from any existing rights of patients, including rights recognized in applicable international or domestic law, on the pretext that these Principles do not recognize such rights or that they recognize them to a lesser extent.

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Agenda item 98 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Australia, Austria, Belgium, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, Liechtenstein, Netherlands, New Zealand, Norway, Philippines, Samoa, Senegal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights in the administration of justice

The General Assembly,

Recalling its resolution 45/166 of 18 December 1991,

Bearing in mind the principles embodied in articles 3, 5, 9, 10 and 11 of the Universal Declaration of Human Rights 1/ and the relevant provisions of the International Covenant on Civil and Political Rights 2/ and its Optional Protocols, 3/ in particular article 6 of the Covenant, which explicitly states that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below eighteen years of age,

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Ibid. and resolution 44/128, annex.

Bearing in mind also the relevant principles embodied in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 4/ and in the International Convention on the Elimination of All Forms of Racial Discrimination; 5/

Calling attention to the numerous international standards in the field of administration of justice, such as the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 6/ to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 7/ and the safeguards guaranteeing protection of the rights of those facing the death penalty, 8/ as well as to the Basic Principles on the Independence of the Judiciary, 9/ the Model Agreement on the Transfer of Foreign Prisoners and recommendations on the treatment of foreign prisoners, 10/ as well as the Code of Conduct for Law Enforcement Officials 11/ and the Standard Minimum Rules for the Treatment of Prisoners, 12/

Recognizing the important contribution of the Commission on Human Rights in the field of human rights in the administration of justice, as reflected in its resolutions 1991/34 of 5 March 1991 on human rights in the administration of justice, 1991/39 of 5 March 1991 on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, 1991/43 of 5 March 1991 on the right to a fair trial and 1991/71 of 6 March 1991 on summary or arbitrary executions, 13/

4/ Resolution 39/46, annex.

5/ Resolution 2106 A (XX), annex.

6/ Resolution 43/173, annex.

7/ Resolution 40/34, annex.

8/ Economic and Social Council resolution 1984/50, annex.

9/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2.

10/ Ibid., sect D.1.

11/ Resolution 34/169, annex.

12/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

13/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

Welcoming Commission on Human Rights resolutions 1991/31 of 5 March 1991 on human rights and thematic procedures, 1991/42 of 5 March 1991 on the question of arbitrary detention and 1991/70 of 6 March 1991 on cooperation with representatives of United Nations human rights bodies,

Also welcoming Commission on Human Rights resolution 1991/41 of 5 March 1991 establishing an inter-sessional working group to finalize the draft declaration on the protection of all persons from enforced or involuntary disappearances, and inviting the Commission to consider the revised draft declaration as a matter of high priority at its forty-eighth session,

Further welcoming the recommendations contained in the first report of Mr. Louis Joinet on strengthening the independence of judges and lawyers 14/ and endorsed by the Subcommission on Prevention of Discrimination and Protection of Minorities in its resolution 1991/35, including those on planning and organizing advisory services and technical assistance, and also welcoming the decision of the Subcommission to entrust Mr. Joinet with the preparation of a further report,

Also welcoming further progress achieved by the Subcommission on the subject of compensation for victims of gross violations of human rights and Subcommission resolution 1991/25,

Recalling the standards unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders and the recommendations made with a view to ensuring more effective applications of existing standards, and recalling also its invitation to Governments to respect these standards and to take them into account within the framework of their national legislation and practice,

Recognizing the significant work accomplished in this area under the United Nations crime prevention and criminal justices programmes,

Reaffirming the importance of the principles contained in its resolution 41/120 of 4 December 1986 on standard-setting in the field of human rights,

Underlining the need for further coordinated and concerted action in promoting respect for human rights in the field of administration of justice,

1. Reaffirms the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice;

2. Once again calls upon all States to pay due attention to these norms and standards in developing national and regional strategies for their

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14/ E/CN.4/Sub.2/1991/30.

practical implementation and to spare no effort in providing for effective legislative and other mechanisms and procedures as well as for adequate financial resources to ensure more effective implementation of these norms and standards;

3. Calls upon all States to ensure the widest possible dissemination of the texts of international instruments in this field;

4. Endorses Economic and Social Council resolution 1991/15 of 30 May 1991 on the implementation of United Nations standards and norms in crime prevention and criminal justice;

5. Recalls its resolution 45/155 of 18 December 1990 and Commission on Human Rights resolution 1991/30 of 5 March 1991 recommending that the Preparatory Committee of the World Conference should pay particular attention to the effective implementation standards in the field of human rights;

6. Welcomes Commission on Human Rights resolution 1991/42 of 5 March 1991 by which the Commission created a five-member working group to investigate cases of arbitrary detention, and requests the Secretary-General to provide all necessary resources to the working group, taking into account its important and broad mandate;

7. Requests the Secretary-General

(a) To continue to assist Member States, at their request, in implementing existing international human rights standards in the administration of justice, in particular under the programme of advisory services of the Centre for Human Rights;

(b) To continue to provide all necessary support to United Nations bodies working on the promotion and protection of human rights and on international standard-setting in this field;

(c) To ensure the widest possible dissemination of the texts of the international instruments in this field, including those adopted unanimously by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to include the respective relevant texts in the next edition of the United Nations publication Human Rights: A Compilation of International Instruments;

(d) To continue to coordinate activities in the field of human rights in the administration of justice, including the various technical advisory services carried out by the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs with a view to undertaking joint programmes and strengthening existing mechanisms;

8. Emphasizes the important role of the regional commissions, specialized agencies and United Nations institutes in the area of human rights and crime prevention and criminal justice and other organizations of the

United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field;

9. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution.

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HUMAN RIGHTS QUESTIONS

HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Bolivia, Chile, Colombia, Ecuador, Honduras, Mexico, Morocco, Peru, Philippines, Uruguay and Venezuela: draft resolution

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, 2/ and other international instruments concerning human rights adopted by the United Nations,

Recalling its resolutions 44/212 of 22 December 1989, 44/148 of 15 December 1989, 45/213 of 21 December 1990 and other relevant resolutions,

Bearing in mind resolution 1991/14 of the Commission on Human Rights whereby the Commission drew its attention to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI).

Recalling resolution 45/199 of 21 December 1990, which proclaims the Fourth United Nations Development Decade, the preamble to which identifies violence, social disorder and terrorism as characteristics of the past decade and the search for a significant reduction in extreme poverty as one of its principal goals and a shared responsibility of all countries,

Recognizing that extreme poverty is a violation of human dignity and a direct infringement of the right to life,

Recognizing that situations of extreme poverty may, in some cases, exacerbate social conflict, creating situations of violence which have a substantial impact on the life of peoples and of States,

Deeply concerned at the steady increase in extreme poverty in the world and at its effect on the most vulnerable groups of society, who are thus prevented from exercising their human rights and fundamental freedoms,

Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

Recognizing that the grave suffering of the great majority of human beings who live in conditions of extreme poverty demands the immediate attention of the international community and the adoption of concrete measures for the elimination of extreme poverty and the resulting exacerbation of social conflict which heightens the suffering of the neediest,

Recognizing also the valiant effort of the very poor not to allow themselves to be swept away by violence and to build peace,

1. Affirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international measures are therefore required to eliminate them;

2. Stresses the need for an in-depth and complete study of the nature of the phenomenon of extreme poverty which affects mankind, and of its role in generating social disorder;

3. Requests the Commission on Human Rights to give appropriate consideration, in directing its studies of extreme poverty, to the causes which, combined with poverty, exacerbate social conflict and create situations of violence which affect the life of peoples and States;

4. Again requests the financial institutions of the international system to intensify their efforts to mitigate poverty, basically by giving priority to their poverty-oriented loan operations and to economic research and policy analysis related to extreme poverty;

5. Takes note with appreciation of the concrete measures taken by the United Nations Children's Fund to lessen the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give

priority to the search for a means of alleviating poverty within the framework of resolutions 45/199 and 45/213;

6. Decides to continue the consideration of this question at its forty-seventh session in connection with the item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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Agenda item 98 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Bolivia, Chile, Colombia, Cuba, Dominican Republic, Ecuador, France, Guatemala, Honduras, Mexico, Morocco, Nicaragua, Nigeria, Paraguay, Peru, Philippines, Senegal, Spain, Uruguay and Venezuela: revised draft resolution

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, 2/ and other international instruments concerning human rights adopted by the United Nations,

Recalling its resolutions 44/148 of 15 December 1989, 44/212 of 22 December 1989, 45/213 of 21 December 1990 and other relevant resolutions,

Bearing in mind Commission on Human Rights resolution 1991/14 of 22 February 1991, 3/ whereby the Commission drew the attention of the General Assembly to the contradiction between the existence of situations of extreme

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI).

3/ Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights,

Recalling its resolution 45/199 of 21 December 1990, by which it proclaimed the Fourth United Nations Development Decade, the preamble to which identifies violence, social disorder and terrorism as characteristics of the past decade and the search for a significant reduction in extreme poverty and a shared responsibility of all countries,

Recognizing that extreme poverty is a violation of human dignity and could constitute a threat to the right to life,

Recognizing that situations of extreme poverty may, in some cases, exacerbate social conflict, creating situations of violence which have a substantial impact on the life of peoples and of States,

Deeply concerned at the steady increase in extreme poverty in the world and at its effect on the most vulnerable groups of society, who are thus prevented from exercising their human rights and fundamental freedoms,

Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

Recognizing that the grave suffering of the great majority of human beings who live in conditions of extreme poverty demands the immediate attention of the international community and the adoption of concrete measures for the elimination of extreme poverty and the resulting exacerbation of social conflict which heightens the suffering of the neediest,

Recognizing also the valiant effort of the very poor not to allow themselves to be swept away by violence and to build peace,

1. Affirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international measures are therefore required to eliminate them;

2. Stresses the need for an in-depth and complete study of the nature of the phenomenon of extreme poverty which affects mankind, and of its role in generating social disorder;

3. Requests the Commission on Human Rights to give appropriate consideration, in directing its studies of extreme poverty, to the causes which, combined with poverty, exacerbate social conflict and create situations of violence which affect the life of peoples and States;

4. Again requests the financial institutions of the international system to intensify their efforts to mitigate poverty, basically by giving priority to their poverty-oriented loan operations and to economic research and policy analysis related to extreme poverty;

5. Takes note with appreciation of the concrete measures taken by the United Nations Children's Fund to lessen the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for a means of alleviating poverty within the framework of resolutions 45/199 and 45/213;

6. Decides to continue the consideration of this question at its forty-seventh session in connection with the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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HUMAN RIGHTS QUESTIONS

HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Bolivia, Chile, Colombia, Cuba, Dominican Republic, Ecuador, France, Guatemala, Honduras, Mexico, Morocco, Nicaragua, Nigeria, Paraguay, Peru, Philippines, Senegal, Spain, Uruguay and Venezuela: revised draft resolution

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, 2/ and other international instruments concerning human rights adopted by the United Nations,

Recalling its resolutions 44/212 of 22 December 1989, 44/148 of 15 December 1989 and other relevant resolutions,

Bearing in mind resolution 1991/14 of the Commission on Human Rights whereby the Commission drew its attention to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights,

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* Reissued for technical reasons.

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI).

Recalling resolution 45/199 of 21 December 1990, which proclaims the Fourth United Nations Development Decade, being one of the main characteristics of the Decade the search for a significant reduction in extreme poverty and a shared responsibility of all countries,

Recognizing that extreme poverty is a violation of human dignity and could constitute a threat to the right to life,

Deeply concerned at the steady increase in extreme poverty in the world and at its effect on the most vulnerable groups of society, who are thus prevented from exercising their human rights and fundamental freedoms,

Aware of the need for a better understanding of the causes of extreme poverty,

Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

Recognizing that the grave suffering of the great majority of human beings who live in conditions of extreme poverty demands the immediate attention of the international community and the adoption of concrete measures for the elimination of extreme poverty and social exclusion,

1. Affirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international measures are therefore required to eliminate them;

2. Stresses the need for an in-depth and complete study of the nature of the phenomenon of extreme poverty which affects mankind;

3. Requests the Commission on Human Rights to give appropriate consideration, in directing its studies of extreme poverty, to the conditions in which the poorest themselves can convey their experience and so contribute to a better understanding of their situation of social exclusion;

4. Again requests States, the specialized agencies and United Nations bodies and other international organizations, including intergovernmental organizations, to give the necessary attention to this problem;

5. Takes note with appreciation of the concrete measures taken by the United Nations Children's Fund to lessen the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for a means of alleviating poverty within the framework of the relevant resolutions;

6. Decides to continue the consideration of this question at its forty-seventh session in connection with the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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HUMAN RIGHTS QUESTIONS

IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Argentina, Australia, Austria, Brazil, Canada, Chile, Colombia, Czechoslovakia, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kenya, Liechtenstein, Luxembourg, Malta, Morocco, Netherlands, Norway, Spain, Sweden, Tunisia, United Kingdom of Great Britain and Northern Ireland and Yugoslavia: draft resolution

United Nations Voluntary Fund for Victims of Torture

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 1/ which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2/

1/ Resolution 217 A (III).

2/ Resolution 3452 (XXX), annex.

Recalling with satisfaction the entry into force on 26 June 1987 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 3/

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Alarmed at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

Taking note of the report of the Secretary-General, 4/

1. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

2. Calls upon all Governments, organizations and individuals in a position to do so to respond favourably to requests for initial as well as further contributions to the Fund;

3. Invites Governments to make contributions to the Fund, preferably on a regular basis, in order to enable the Fund to provide continuous support to projects that depend on recurrent grants;

4. Expresses its appreciation to the Governments that pledged a contribution to the Fund at the 1991 United Nations Pledging Conference for Development Activities;

5. Requests the Secretary-General to continue to include the Voluntary Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

6. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;

7. Also expresses its appreciation to the Secretary-General for the support given to the Board of Trustees of the Fund by carrying out its decisions on an increasing number of projects;

3/ Resolution 39/46, annex.

4/ A/46/618.

8. Requests the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions.

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF
HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Canada, Costa Rica, Denmark, Finland, France, Germany, Hungary, Iceland, Italy, Netherlands, New Zealand, Norway, Philippines, Poland, Portugal, Spain, Sweden and Yugoslavia: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 45/85 of 14 December 1990, as well as its other relevant resolutions,

Taking note of Commission on Human Rights resolution 1991/20 of 1 March 1991 1/ and Economic and Social Council decision 1990/226 of 25 May 1990, by which the Council approved the recommendations of the Task Force on Computerization for computerizing the human rights treaty system, 2/

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of

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1/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

2/ See E/CN.4/1990/39, annex.

Human Rights, 3/ to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties of United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing further concern about the non-fulfilment by many States parties of their financial obligation under the relevant United Nations instruments on human rights,

Reaffirming its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights;

Recalling the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988, 4/ and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 44/135 of 15 December 1989 and the Commission on Human Rights in its resolution 1989/47 of 6 March 1989, 5/

Taking note of the reports of the Secretary-General 6/ on progress achieved in enhancing the effective functioning of the treaty bodies, pursuant, inter alia, to the conclusions and recommendations of the second meeting of persons chairing the human rights treaty bodies, held at Geneva from 10 to 14 October 1988,

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3/ Resolution 217 A (III).

4/ E/CN.4/1989/62, annex.

5/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

6/ A/44/539 and A/46/503.

Taking particular note of the conclusions and recommendations of the third meeting of persons chairing the human rights treaty bodies, held at Geneva from 1 to 5 October 1990,

Welcoming the study on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, prepared by an independent expert pursuant to the above-mentioned resolutions,

Welcoming the report of the Secretary-General 7/ examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies,

1. Endorses the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the continuing efforts in this connection by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. Expresses its satisfaction with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights, which contains several recommendations on reporting and monitoring procedures, servicing and financing of supervisory bodies and long-term approaches to human rights standard-setting and implementation mechanisms, and which was presented to the Commission on Human Rights for detailed consideration at its forty-sixth session;

3. Requests the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies;

4. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures as well as enhancing coordination and information flow between the treaty bodies and with relevant United Nations bodies, including specialized agencies;

5. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, further to this end:

(a) Endorses the request of the Commission that the Secretary-General report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

7/ A/46/650.

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of State parties;

6. Endorses the recommendations of the meeting of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General review the need for adequate staffing resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission on Human Rights at its forty-eighth session and to the General Assembly at its forty-seventh session;

7. Calls upon all States parties to fulfil without delay and in full their financial obligations under the relevant instruments on human rights, and requests the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective;

8. Requests the Secretary-General, as a matter of priority, to consider administrative and budgetary measures to alleviate the current financial difficulties of the treaty bodies and thus guarantee their regular functioning and to report on these measures to the Commission on Human Rights at its forty-seventh session;

9. Emphasizes that any administrative and budgetary measures shall be provided without prejudice to the duty of States parties under United Nations human rights instruments to meet all their current and outstanding financial obligations pursuant to such instruments;

10. Requests the Secretary-General to submit to the General Assembly at its forty-seventh session a further report examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies;

11. Invites the State parties to the International Convention on the Elimination of All Forms of Racial Discrimination 8/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 9/ to consider, as a matter of priority, all possibilities for putting arrangements for meeting the costs of implementing these treaties on a viable, guaranteed basis, including by considering possible amendment to the funding provisions of these treaties;

8/ Resolution 2106 A (XX).

9/ Resolution 39/46, annex.

12. Endorses the recommendation, made in October 1990 by the meeting of persons chairing the human rights treaty bodies, that the General Assembly take appropriate measures to ensure the financing of each of the committees from the United Nations regular budget;

13. Requests the Secretary-General to take the appropriate steps in order to finance the biennial meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations;

14. Decides to give priority consideration, at its forty-seventh session, to the conclusions and recommendations of the meetings of persons chairing treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".